



****Proposed New Zoning Regulations****

To Be Voted on at the March 10, 2020 Municipal Election

Questions & Answers Relative to Proposed Amendments

Amendment #1

Amend the Residential One (R-1), Residential Two (R-2), Residential Three (R-3), Residential-Office (R-O), Residential-Office-One (R-O-1), and Professional Business (PB) Districts to no longer require that the minimum required front yard of 20 ft. be doubled to 40 ft. when the property has frontage on a state highway or major thoroughfare. The amendment would also eliminate Section 201.2 which allows the Zoning Board to reduce the 40 ft. front yard requirement by Special Exception (*Zoning Ordinance Sections 201.2, 308.2, 309.2, 310.2, 311, 311A, and 311B*)

Q: *Why is this amendment proposed?*

A: *The minimum required front yard for Class 1 and Class 2 lots in the R-1, R-2, R-3, R-O, R-O-1, and PB Districts is 20 ft. for lots with municipal sewer service, and 25 ft. for lots without municipal sewer service. However, where a property has frontage on a state highway (eg. US Route 4, NH Route 120, NH Route 10, etc.), the minimum required front yard is doubled to 40 ft. This enhanced setback may be reduced by Special Exception from the Zoning Board of Adjustment, per Section 201.2 ("Front Yard Reduction by Special Exception").*

The reason for requiring this enhanced setback may have been, in part, to account for potential future widenings of the state roads. However, most of the areas where the enhanced setback applies are in-town areas where the properties are already developed. In many of these areas, the existing buildings are already substantially non-conforming with the enhanced 40 ft. front setback. Oftentimes such properties are even non-conforming to the standard 20 ft. front setback that would apply if located on a non-state highway.

Over the years, several requests for a Special Exception to reduce the 40 ft. front setback per Section 201.2 have been granted by the Zoning Board of Adjustment and staff is not aware of any such request that has been denied. Recognizing that requiring an applicant to apply to the Zoning Board is inherently a burden and, in this case, without any discernible benefit, the amendment proposes to eliminate the 40 ft. enhanced setback.

Q: How will this impact my ability to use my property?

A: *Properties located on a state road in the R-1, R-2, R-3, R-O, R-O-1, and PB Districts will no longer be subject to a 40 ft. minimum front yard requirement. Instead, such properties will be subject to the standard minimum front yard requirement currently applicable to all other lots in these districts which is 20 ft. for lots with municipal sewer service, and 25 ft. for lots without municipal sewer service.*

Q: Why does this amendment require voter approval?

A: *The Zoning Ordinance requires voter approval for any changes to the residential district tables of area, dimension, and coverage. In this instance, voter approval is required to remove the language requiring a 40 ft. front yard from the R-1, R-2, and R-3 District tables. In order to avoid piecemeal changes to the Zoning Ordinance, the City Council bundled the proposed changes to the R-O, R-O-1, and PB District tables with the changes to the R-1, R-2, and R-3 District tables together in the same amendment for voter consideration.*

Amendment #2

In the Residential One (R-1) District, remove “multi-family conversion (six or fewer units) per Section 601” as a permitted use, remove “multi-family conversion (7 or more units) per Section 601” as a use by Special Exception, and remove “(NEW)” from “multi-family dwelling” in the list of permitted uses; and in the Residential Two (R-2) District add “multi-family dwelling conversion (4 dwelling units or less) per Section 601” as a permitted use and change “multi-family conversion per Section 601” in the list of Special Exception uses to “multi-family dwelling conversion per Section 601 (5 dwelling units or more)”. (*Zoning Ordinance Sections 308.2 and 309.2*)

Q: Why is this amendment proposed?

A: *The purpose of the amendment is to ease the burden of developing multi-family housing and to facilitate the rehabilitation of existing structures in furtherance of the goals of the Master Plan. It does so by (i) eliminating the distinction in the R-1 District between new construction of multi-family dwellings (a permitted use in the R-1 District) and conversions of existing structures to multi-family dwellings, and (ii) allowing multi-family conversions for up to four (4) units in the R-2 District without having to obtain a Special Exception.*

Q: How will this impact my ability to use my property?

A: *If you own a structure in the R-1 district and would like to convert it to a multi-family dwelling, you will no longer need to obtain Special Exception approval from the Zoning Board of Adjustment when proposing 7 or more dwelling units (which is currently the threshold for when a proposed conversion requires a Special Exception).*

If you own a structure in the R-2 District and would like to convert it to a multi-family dwelling of four (4) dwelling units or less, you will no longer need to obtain Special Exception approval from the Zoning Board of Adjustment. However, all requirements of Section 601 (“Special Design Standards”) of the Zoning Ordinance and all other applicable regulations will continue to apply.

Q: Why does this amendment require voter approval?

A: *The Zoning Ordinance requires voter approval for any changes to the text of the residential district tables of use. In this instance, voter approval is required to adjust the multi-family dwelling use categories in the R-1 and R-2 Districts.*

Amendment #3

Change “Accessory Dwelling Unit per Section 610” from a Special Exception Use to a Permitted Use in the Residential Three (R-3), Rural Lands One (RL-1), and Rural Lands Two (RL-2) Districts (Zoning Ordinance Sections 310.2, 312.2, and 313.2).

Accessory Dwelling Units in the R-3, RL-1, and RL-2 Districts will continue to be subject to the requirements of Section 610 of the Zoning Ordinance in order to obtain a building permit. However, a public hearing before the Zoning Board of Adjustment will no longer be required.

Q: What is an Accessory Dwelling Unit (ADU)?

A: *Accessory Dwelling Units (ADUs) are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals to offset the expense of maintaining the dwelling. They are allowed within single family homes, or within detached structures on single family lots.*

ADUs are subject to and must comply with the regulations contained in Section 610 of the Zoning Ordinance. These include the requirement that the appearance and character of an ADU must remain single family in nature.

Q: Why is this amendment proposed?

A: *In 2018, Lebanon voters approved an amendment to the Zoning Ordinance to allow ADUs as permitted uses in the R-1, R-2, R-O, RO-1, and PB Districts, instead of requiring a Special Exception from the Zoning Board. In an effort to further encourage and facilitate the creation of these smaller, more affordable, accessory units in light of the overall housing shortage in the City, the proposed amendment would to extend this concept to the R-3, RL-1, and RL-2 Districts and allow ADUs ‘by right’ in those districts instead of by Special Exception.*

In addition, the 2012 Master Plan recommends that the City allow for and encourage accessory apartments with reasonable restrictions for owner-occupied single-family homes as a means to help address the overall shortage of housing, and particularly affordable housing in the City. By easing the burden of creating an ADU and helping to facilitate the creation of these smaller, more affordable, accessory units, the proposed amendment furthers the goals of the Master Plan.

Q: How will this impact my ability to use my property?

A: *If you have a one-family dwelling in the R-3, RL-1, or RL-2 District and would like to add an ADU, you will no longer need to obtain Special Exception approval from the Zoning Board of Adjustment. However, all requirements of Section 610 of the Zoning Ordinance and all other applicable regulations will continue to apply.*

Q: Why does this amendment require voter approval?

A: *The Zoning Ordinance requires voter approval for any changes to the text of the residential district tables of use. In this instance, voter approval is required to change "Accessory Dwelling Unit per Section 610" from a Special Exception Use to a Permitted Use in the R-3, RL-1, or RL-2 Districts.*

Amendment #4

Clarify that any use allowed in the zoning district in which a proposed Planned Unit Residential Development (PURD) is located may be permitted within the PURD. The amendment will allow a proposed PURD to include uses allowed by Special Exception or Conditional Use Permit in the underlying zoning district without having to obtain a separate Special Exception or Conditional Use Permit for that particular use. However, a Conditional Use Permit from the Planning Board will still be required for the PURD itself. (*Zoning Ordinance Section 501.2.C*).

Q: Why is this amendment proposed?

A: *The purpose of the amendment is to streamline the development review process without sacrificing the public's ability to review a proposal and to participate in a public hearing. By eliminating the need to obtain individual approvals from the Zoning Board for individual uses within a PURD, significant public and private resources, time, and expense will be spared without any deleterious impact on the robustness of the review process.*

Q: How will this impact my ability to use my property?

A: *If you have a large property that you wish to develop as a PURD, you will no longer need to obtain Special Exception approval from the Zoning Board of Adjustment for individual uses within your proposed PURD that are allowed by Special Exception in the underlying zoning district. Instead, the entirety of the proposed PURD including all the uses therein would be considered comprehensively in a single public hearing before the Planning Board, and will be subject to the stringent PURD conditional use permit requirements in the Zoning Ordinance, the Site Plan Review Regulations, and in most cases, the Subdivision Regulations.*

Q: Why does this amendment require voter approval?

A: *The Zoning Ordinance requires voter approval for any changes to the text of the residential district tables of use. In this instance, voter approval is required since the proposed amendment effectively alters the residential district use tables by changing uses allowed by Special Exception to permitted uses when those uses are included as part of a proposed PURD.*

Amendment #5

In the Residential One (R-1), Residential Two (R-2), and Residential Three (R-3) Districts, home based agricultural businesses would be allowed and regulated. This amendment is intended to allow residents of larger lots in the residential districts to operate limited agricultural business

Proposed Zoning Ordinance Amendments

March 10, 2020 Municipal Ballot

Fact Sheet/Question & Answers

Page 5 of 6

activities and to derive income from the agricultural and horticultural use of their residential property. (*Zoning Ordinance Sections 308.2, 309.2, 310.2, and 600B*)

For lots of 5 acres or more in the R-1, R-2, and R-3 Districts, activities allowed include the sale of products associated with raising chickens, bees, and the harvesting of crops. For lots of less than 5 acres, a public hearing and Special Exception approval from the Zoning Board of Adjustment is required.

In the R-3 District, on lots between 5 and 10 acres in size, the keeping of poultry other than chickens is allowed as part of an agricultural business. On lots greater than 10 acres, the keeping of poultry other than chickens and the keeping of livestock is allowed as part of an agricultural business. "Poultry other than chickens" is defined in the proposed ordinance as ducks, turkey, geese, and guinea fowl; "livestock" is defined as horses, cattle, goats, sheep, llamas, and alpacas.

All home-based agricultural businesses will require a zoning permit and must demonstrate compliance with the specific performance standards set forth in proposed Section 600B, including operational limitations and best management practices intended to minimize adverse impacts on surrounding properties and natural resources.

Q: *Why is this amendment proposed?*

A: *Keeping chickens, keeping bees, and growing crops are all activities that are already permitted in the R-1, R-2, and R-3 Districts provided they are undertaken for personal use by the resident(s) of the property. The proposed amendment will allow residents to also engage in these activities for profit. In doing so, the amendment helps further the environmental and economic sustainability goals set forth in the Master Plan, helps to encourage the preservation of agricultural lands, and supports private property rights. At the same time, the potential impact on abutting properties is taken into consideration by way of stringent operational standards, limits on the number of animals per property, and the requirement to obtain a zoning permit and, in some cases, a Special Exception from the Zoning Board.*

Q: *How will this impact my ability to use my property?*

A. *If you own a property in the R-1, R-2, and R-3 Districts, the proposed amendment will allow you to raise chickens, keep bees, and grow crops and derive income from such activities. For lots of less than 5 acres, a public hearing and Special Exception approval from the Zoning Board of Adjustment is required.*

In the R-3 District, on lots of 5 acres or more, the keeping of poultry for commercial purposes would be permitted. On lots greater than 10 acres in the R-3 District, the keeping of livestock is also allowed. Both the keeping of poultry and livestock for commercial purposes are subject to the requirements in proposed Table 600B.4 which strictly limit the number of animals per property.

Q: *Why does this amendment require voter approval?*

A: *The Zoning Ordinance requires voter approval for any changes to the text of the residential district tables of use. In this instance, voter approval is required to add the home-based agricultural business use category to the R-1, R-2, and R-3 District tables of use.*

Amendment #6

Change the “Church” use category to “House of Worship” in all zoning districts and throughout the Zoning Ordinance in order to be inclusive of all forms of worship. (*Zoning Ordinance Sections 305, 306, 308, 309, 310, 311, 311A, 311B, 312, 313, 607, 608, and Appendix A*)

Q: *Why is this amendment proposed?*

A: *The purpose of the proposed change is to be inclusive of all forms of worship.*

Q: *Will the amendment impact my ability to use my property?*

A: *No. The proposed amendment is editorial in nature and will have no impact on how you can or can't use your property. “Church” was already interpreted to include all forms of worship. Using the term “house of worship”, however, is intended to make it clear to readers of the Zoning Ordinance who are unfamiliar with how the Ordinance has been interpreted that all forms of worship are included and not just those typically associated with the word “church”. It is intended to remove any appearance of discrimination against or in favor of any particular religious affiliation.*

Q: *Why does this amendment require voter approval?*

A: *The Zoning Ordinance requires voter approval for any changes to the text of the residential district tables of use. In this instance, voter approval is required to change the term “church” to “house of worship” in the residential district tables. At the same time, in order to avoid piecemeal changes to the Zoning Ordinance, the City Council bundled the proposed changes to the residential district tables with all related changes throughout the Zoning Ordinance together in the same amendment for voter consideration.*

ZONING ORDINANCE



Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED:

January 16, 2013

LAST AMENDED:

~~*March 6, 2019*~~

March 10, 2020

ARTICLE II
GENERAL PROVISIONS

[...]

SECTION 201 YARD REQUIREMENTS.

[...]

201.2 ~~Front Yard Reduction by Special Exception~~(Reserved).

~~The required front yard of 40 feet for lots on a state highway or major thoroughfare may be reduced by special exception granted by the Board of Adjustment pursuant to Section 801.3.~~

[...]

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ARTICLE III
USE DISTRICTS

[...]

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

[...]

305.2 Table of Uses.

GC DISTRICT

PERMITTED USES

SPECIAL EXCEPTION

1. Retail store
2. Personal service
3. Financial Institution
4. Restaurant, sandwich shop
5. Drive-in restaurant,
 refreshment stand
6. Office
7. Motel, hotel
8. Movie theater
9. Funeral establishment
10. Commercial PUD per Section 501
11. Membership club
12. Amusements (indoor)
13. Vehicular sales
14. Vehicular repair
15. Service station
16. Publishing/printing
17. Radio or TV studio
18. Group day care facility
19. Local government use
20. Drive-through facility
21. Laundromat
22. Drycleaning pick-up station
23. Churchhouse of worship

[...]

[...]

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

[...]

306.2 Table of Uses.**CB DISTRICT**PERMITTED USESSPECIAL EXCEPTION

1. Retail store
2. Personal service
3. Financial Institution
4. Office
5. Restaurant, sandwich shop
6. Motel, hotel
7. Radio or TV studio
8. Funeral establishment
9. Membership club
10. Commercial PUD per Section 501
11. Library or museum
12. Theater, concert hall,
movie theater
13. Social service center
14. Amusements (indoors)
15. ChurchHouse of worship

[...]

[...]

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SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

[...]

308.2 Table of Uses.**R-1 DISTRICT**

<u>Permitted Uses</u>	<u>Special Exception Uses (See Section 801.3)</u>
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling (NEW) Multi-family conversion (six or fewer units) per Section 604 4. Accessory dwelling unit (ADU) per Section 610 5. Senior housing complex <u>Commercial/Non-Residential</u> 6. House of worship Church 7. <u>Home-based agricultural business per Section 600B.2 (lots 5 acres or more)</u> 8. Home business per Section 600 9. Public education facility 10. Public recreation facility 11. Public safety facility 12. Renewable energy system per Section 612 <u>Planned Developments</u> 13. Manufactured home park per Section 503 14. Manufactured home subdivision per Section 504 (or manufactured home PURD) 15. PURD per Section 501	Multi-family conversion (7 or more units) per Section 604 <u>Commercial/Non-Residential</u> 1. Cemetery 2. Essential service 3. Funeral home 4. Group day care facility 5. Group residence 6. <u>Home-based agricultural business per Section 600B.2 (lots less than 5 acres)</u> 7. Indoor/outdoor recreational facility 8. Lodging house 9. Nursing home 10. Tourist home (or bed and breakfast facility)

308.3 Table of Area, Dimensions and Coverage.**R-1 DISTRICT****Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

~~*40' on state highways or major thoroughfares, but see Section 201.2.~~

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SECTION 309 RESIDENTIAL TWO DISTRICT (R-2).

[...]

309.2 Table of Uses.**R-2 DISTRICT**

<u>Permitted Uses</u>	<u>Special Exception</u>
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. <u>Multi-family dwelling conversion (4 dwelling units or less) per Section 601</u> 3.4. Accessory dwelling unit (ADU) per Section 610 4.5. Senior housing complex <u>Commercial/Non-Residential</u> 5.6. <u>House of worship</u> Church 7. <u>Home-based agricultural business per Section 600B.2 (lots 5 acres or more)</u> 6.8. Home business per Section 600 7.9. Public education facility 8.10. Public recreation facility 9.11. Public safety facility 10.12. Renewable energy system per Section 612 <u>Planned Developments</u> 11.13. PURD per Section 501	<u>Residential</u> 1. Multi-family dwelling conversion per Section 601 <u>(5 dwelling units or more)</u> <u>Commercial/Non-Residential</u> 2. Office conversion per Section 601 3. Cemetery 4. Essential service 5. Funeral home 6. Group day care facility 7. Group residence 8. <u>Home-based agricultural business per Section 600B.2 (lots less than 5 acres)</u> 8.9. Indoor/outdoor recreational facility 9.10. Lodging house 10.11. Nursing home 11.12. Tourist home (or bed and breakfast facility)

309.3 Table of Area, Dimension and Coverage.**R-2 DISTRICT****Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

~~*40' on state highways or major thoroughfares, but see Section 201.2.~~

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SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

[...]

310.2 Table of Uses.**R-3 DISTRICT**

<u>Permitted Uses</u>	<u><i>Special Exception</i></u>
<u>Residential</u> 1. One-family dwelling 2. <u>Accessory dwelling unit (ADU) per Section 610</u> <u>Commercial/Non-Residential</u> 3. Home business per Section 600 4. <u>Home-based agricultural business per Section 600B.2 (lots 5 acres or more) and -per Section 600B.3 (lots greater than 10 acres)</u> 4-5. Hospital 5-6. Public education facility 6-7. Public recreation facility 7-8. Public safety facility 8-9. Renewable energy system per Section 612 <u>Planned Developments</u> 9-10. PURD per Section 501	<u>Residential</u> 1. Two family dwelling by conversion of existing one family dwelling 2. Accessory dwelling unit (ADU) per Section 610 3-2. Senior housing complex <u>Commercial/Non-Residential</u> 4-3. Cemetery 5-4. <u>House of worship</u> Church 6-5. Essential service 7-6. Group day care facility 7. <u>Home-based agricultural business per Section 600B.2 (lots less than 5 acres) and -per Section 600B.3 (5-10 acre lots)</u> 8. Nursing home

310.3 Table of Area, Dimensions and Coverage.**R-3 DISTRICT****Minimum Lot Size**

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75'	35'
2	15,000 sq.ft.	75'	35'
3	40,000 sq.ft.	100'	35'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

~~*40' on state highways or major thoroughfares, but see Section 201.2.~~

[...]

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SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O).

[...]

311.2 Table of Uses.**R-O DISTRICT**PERMITTED USESSPECIAL EXCEPTION

1. One family dwelling
2. Two family dwelling
3. Multi-family conversion
(3 or fewer units) per
Section 601
4. Home Business per Section 600
5. Conversion of a dwelling
to office use per Section 601
6. ~~Church~~ House of worship

[...]

311.3 Table of Area, Dimensions and Coverage.**R-O DISTRICT****Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

*40' on state highways or major thoroughfares, but see Section 201.2.

[...]

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

[...]

311A.2 Table of Uses.**R-O-1 DISTRICT**PERMITTED USESSPECIAL EXCEPTION

1. One family dwelling
2. Two family dwelling
3. Multi-family conversion (3 or fewer units) per Section 601
4. Home business per Section 600
5. Conversion of a dwelling to office use per Section 601
6. Construction of new office building (3,000 sq. ft. or less) per Section 601
7. ~~Church~~ House of worship

[...]

[...]

311A.3 Table of Area, Dimensions and Coverage.**R-O-1 DISTRICT****Minimum Lot Size**

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75'	3,000 sq.ft.	45'
2	15,000 sq.ft.	75'	5,000 sq.ft.	45'
3	40,000 sq.ft.	100'	15,000 sq.ft.	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

~~*40' on state highways or major thoroughfares, but see Section 201.2.~~

SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB).

[...]

311B.2 Table of Uses.

<u>Permitted Uses</u>	<u>Special Exception Uses</u> (see Section 801.3)
<u>Residential</u> 1. One-family dwelling 2. Two-family dwelling 3. Multi-family dwelling per Section 311B.7 4. Accessory dwelling unit (ADU) per Section 610 <u>Commercial/Non-Residential</u> 5. Office 6. House of worship Church 7. Personal service 8. Renewable energy system per Section 612	<u>Commercial/Non-Residential</u> 1. Educational facility, college/university 2. Educational facility, primary/secondary 3. Group day care facility per Section 604 4. Lodging house 5. Public recreation facility 6. Public safety facility 7. Tourist home (or bed and breakfast facility)

311B.3 Table of Area, Dimensions and Coverage.**PB DISTRICT****Minimum Lot Size**

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75'	45'
2	15,000 sq.ft.	75'	45'
3	40,000 sq.ft.	100'	45'

Minimum Yard

Class	Front	Side	Rear	Maximum Building Coverage
1	20' (*)	15'	20'	25%
2	20' (*)	15'	20'	20%
3	25' (*)	25'	30'	15%

*40' on state highways or major thoroughfares, but see Section 201.2.

[...]

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).

[...]

312.2 Table of Uses.**RL-1 DISTRICT**PERMITTED USESSPECIAL EXCEPTION

- | | |
|---|--|
| 1. Agriculture | 1. Recreational camping park
per Section 505 |
| 2. One family dwelling | 2. Indoor/outdoor recreational
facility |
| 3. Home business
per Section 600 | 3. Group day care facility |
| 4. PURD per Section 501 | 4. Radio or TV tower or other
communication equipment |
| 5. PRec per Section 501 | 5. Essential service |
| 6. Manufactured home park
per Section 503 | 6. Cemetery |
| 7. Manufactured home subdivision
per Section 504 (or manufactured
home PURD) | 7. Care and treatment of
animals |
| 8. Public education facility | 8. Accessory Dwelling Unit
per Section 610 |
| 9. Public recreation facility | 9. Home based contractor's yard
per Section 600A |
| 10. <u>House of worship</u> Church | |
| 11. Renewable energy system per Section 612 | |

[12. Accessory dwelling unit per Section 610](#)

[...]

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

[...]

313.2 Table of Uses.**RL-2 DISTRICT**PERMITTED USES

1. Agriculture
2. One family dwelling
3. Home business
per Section 600
- facility
4. PURD per Section 501
5. PRec per Section 501
6. Public recreation facility
7. Manufactured home park
per Section 503
8. Manufactured home subdivision
per Section 504 (or manufactured
home PURD)
9. [House of worship](#)~~Church~~
10. Renewable energy system
per Section 612

11. Accessory dwelling unit per Section 610SPECIAL EXCEPTION

1. Recreational camping park
per Section 505
2. Indoor/outdoor recreational
facility
3. Group day care
4. Produce stand
5. Care and treatment of
animals
6. Removal of natural materials
7. Essential service
8. Radio or TV tower or other
communication equipment
9. Cemetery
- ~~10. Accessory Dwelling Unit
per Section 610~~
11. Home based contractor's yard
per Section 600A

[...]

ARTICLE V

SUBDIVISIONS AND PLANNED DEVELOPMENTS

[...]

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

[...]

501.2 Planned Unit Residential Development (PURD).

[...]

C. Uses Allowed in a PURD.

[...]

3. All Other Uses in Underlying Zoning District. Any use permitted in the zoning district in which the PURD is located may be permitted within the PURD. Uses allowed by Special Exception or by Conditional Use Permit in the underlying zoning district where the PURD is located may also be permitted within the PURD, and shall not require a Special Exception from the Zoning Board or a separate Conditional Use Permit from the Planning Board.

[...]

SECTION 600B HOME-BASED AGRICULTURAL BUSINESS.

600B.1 Purpose.

To allow limited agricultural business activities in the R-1, R-2, and R-3 Districts.

600B.2 Chickens, Bees, and Products Grown On-Site.

For **lots** of 5 acres or more in the R-1, R-2, and R-3 Districts, activities allowed include the sale of products associated with raising chickens (per Section 611), bees (per Section 611A), and the harvesting of products resulting from activities identified in Section 200. Products must be grown on-site and may be sold in either raw or value-added forms. Educational programs directly related to the on-site agricultural activities are permitted. For **lots** of less than 5 acres, a **special exception** is required.

600B.3 Poultry and Livestock.

- A. In the R-3 District, on **lots** between 5 and 10 acres in size, the keeping of poultry other than chickens is allowed as part of an agricultural business.
- B. In the R-3 District, on **lots** greater than 10 acres, the keeping of poultry other than chickens and the keeping of livestock is allowed as part of an agricultural business.
- C. For purposes of this section, “poultry other than chickens” shall mean ducks, turkey, geese, and guinea fowl, and “livestock” shall mean horses, cattle, goats, sheep, llamas, and alpacas.

600B.4 Operational Standards.

- A. The operator of the home-based agricultural business shall be a resident of the property on which the business is located.
- B. All agricultural activities associated with a home-based agricultural business must be conducted in accordance with the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire (available on-line at <https://www.agriculture.nh.gov/divisions/regulatory-services/nutrient-management.htm>), and shall comply with all applicable New Hampshire statutes and regulations including but not limited to NH RSA 644:8 (Cruelty to Animals).
- C. Table 600B.4 establishes the minimum required area requirements for various species. The minimum **secure enclosure** area shall not include any areas within 20 feet of a **dwelling unit** on the same **lot**.
- D. Livestock shall be kept such that no nuisance results.
- E. Animal waste shall not be stored within one hundred (100) feet of any property line.
- F. All livestock and poultry must be kept within a **secure enclosure** which meets or exceeds the recommendations of the UNH Cooperative Extension.
- G. All livestock and poultry shall have available shelter which meets or exceeds the recommendations of the UNH Cooperative Extension. No shelter or enclosure, including pastures, shall be located closer than 100 feet to a property line.
- H. The home-based agricultural business shall not:
 - 1. Employ more than two persons working on the premises other than family members living in the **dwelling**.
 - 2. Have window displays, window advertising or any other advertising, except an identification sign complying with Section 608.4.B.
 - 3. Detract from the residential character of the neighborhood by creating levels of noise beyond those normal to the agricultural activities being conducted, vibration, glare, smoke, dust, fumes, odors, or heat.
 - 4. Generate more than an average of two (2) vehicular trips per hour to the premises for each hour the business is open or peak of six (6) vehicles per hour.
 - 5. Require the use of on-street parking.
 - 6. Require more than two (2) off-street parking spaces beyond those required by the **dwelling** and the employees of the business (see Section 607, Table of Minimum Off-Street Parking).
 - 7. Generate non-residential truck deliveries or pick-ups more than twice per week.

Table 600B.4 Maximum Number of Animals and Minimum Secure Enclosure and Shelter Requirements.

	<u>Maximum Animals</u>	<u>Minimum <i>Secure</i> Enclosure / Minimum Pasture</u>	<u>Minimum Shelter</u>
<u>Horses/cattle</u>	<u>First 10 acres, 1 animal; each additional 2 acres, 1 additional animal</u>	<u>500 sq. ft. per animal / 1 acre per animal</u>	<u>120 sq. ft. per animal, 3 sided</u>
<u>Goats, sheep, llamas, alpacas</u>	<u>First 10 acres, 6 animals; each additional acre, 1 additional animals</u>	<u>50 sq. ft. per animal / 1 acre per animal</u>	<u>20 sq. ft. per animal, 4 sided</u>
<u>Poultry other than chickens</u>	<u>More than 5 acres, up to 2 birds per acre</u>	<u>20 sq. ft. per bird</u>	<u>6 sq. ft. per animal, 4 sided</u>

600B.4 Zoning Permit Required.

A home-based agricultural business requires a zoning permit from the Zoning Administrator which must be applied for and issued prior to the operation of the business. The applicant shall provide evidence to the satisfaction of the Zoning Administrator that the applicable criteria of Section 600B are met.

The zoning permit shall describe the type of business activity that is approved and any limitations thereon, and shall be issued to the applicant together with a copy of the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire and the UNH Cooperative Extension guidelines referenced above.

[...]

SECTION 607

PARKING

[...]

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded up to the nearest whole - See Section 607.2)

<u>TYPE OF USE</u>	<u>UNITS OF MEASUREMENT</u>	<u>PARKING SPACES PER UNIT (I.E. RATIO)</u>
[...]		
INSTITUTIONAL, ETC.		
[...]		
Churches <u>Houses of worship</u> and other places of public assembly (i.e. theaters, auditoriums, recreational facilities, conference or meeting facilities and the like.)	Seats or gross floor area of assembly area if no seats	0.33/seat or 1/20 sq. ft.
[...]		

[...]

SECTION 608SIGNS.

[...]

608.7 Signs Allowed Without a Building Permit.

The following **signs** (1) are allowed in addition to any other **sign** permitted by this Section, (2) do not require a building permit, and (3) are exempt from the requirements of this Section except for the prohibition of **non-static signs** set forth in Section 608.3.C, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance"):

[...]

- E. Bulletin Boards. An on-premise exterior bulletin board not exceeding 32 square feet is permitted in connection with any ~~church~~house of worship, **educational facility, community center, local government use, public recreation facility, or public safety facility.**

[...]

APPENDIX A**DEFINITIONS**

[...]

GROUP DAY CARE FACILITY: A group day care facility is either a child day care facility or an adult day care facility.

- A. **CHILD DAY CARE FACILITY:** A day care center, a day nursery, a private nursery school or kindergarten, a child development center, a play group, a head start center, progressive school or any other facility which cares for seven (7) or more children under the age of 16 for a part but not all of a 24 hour day.

Such facilities may be privately operated or sponsored by a ~~church~~house of worship, social agency, cooperative group or a community or by a public agency other than public schools.

[...]